92-06215/

Education Relations Commission

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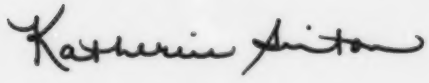
The Members of the Legislative Assembly
Province of Ontario

Dear Members:

I have the honour to present the fifteenth annual report of the Education Relations Commission, which covers the period from September 1, 1989, to August 31, 1990.



Katherine E. Swinton
Chair
Education Relations Commission

August 31, 1990

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1. The Commission and the Parties

Establishment of the Commission

The Education Relations Commission (ERC) was established in 1975 under section 59 of the School Boards and Teachers Collective Negotiations Act, R.S.O., Chapter 464. The commission is composed of five members appointed by the Lieutenant Governor-in-Council. Each member is eligible for reappointment when his or her term of appointment expires, which is usually after three years.

Purpose of the Act

The purpose of the act is to further harmonious relations between boards and teachers by ensuring that they make and renew agreements and by specifying how they will do so. The commission has taken as its mission, therefore, helping school boards and teacher branch affiliates to develop harmonious relations and to make or renew collective agreements.

Duties of the Commission

The duties of the commission are set out in subsection 60(1) of the act:

It is the duty of the Commission:

(a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;

(b) to maintain an awareness of negotiations between teachers and boards;

(c) to compile statistical information on the supply, distribution, professional activities and salaries of teachers;

(d) to provide such assistance to parties as may facilitate the making or renewing of agreements;

(e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;

(f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;

(g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and

(h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a school or schools will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the school or schools.

Organizational Structure of the Commission

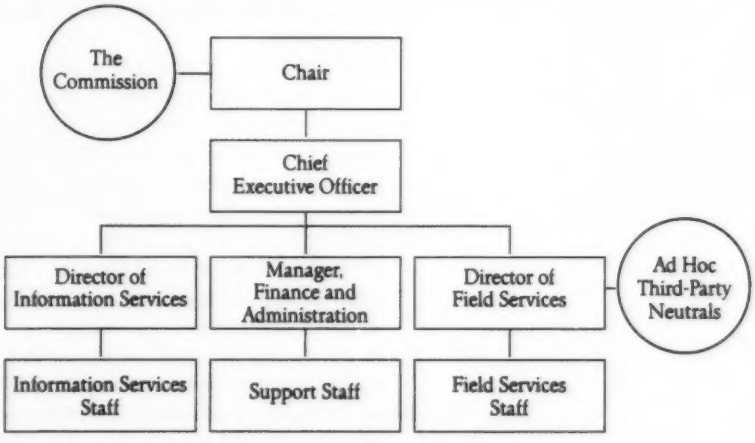
As noted, the commission is composed of five members.
Ms. Katherine E. Swinton was appointed Chair on November 1, 1987.
Mr. David Allan Hayes was appointed Vice-Chair on May 11, 1988.

Mrs. Trèva Legault Cousineau was appointed commissioner on May 11, 1988. Messrs. John McNeil and John Zeiler were reappointed on March 6, 1989. (A biographical sketch of each commissioner is provided in Appendix C.)

The commission has a permanent seventeen-member staff. In order to oversee bargaining in the more than 278 sets of negotiations that fall under its jurisdiction, the commission must supplement permanent staff with temporary personnel. The commission uses a cadre of more than seventy individuals for short-term appointments as third-party neutrals. This arrangement has allowed the commission to benefit from the expertise of some of the most able third parties in the province.

All appointments and all major decisions and determinations are made by the commission; the day-to-day operations of the commission, however, are managed by the chief executive officer. The operations of the ERC are divided into two major functions – Field Services and Information Services. (An organizational chart is provided in figure 1.) Briefly, the role of Field Services is to monitor negotiation activity at the local level, whereas that of Information Services is to provide data to all parties involved in negotiation.

Figure 1: Structure of the Education Relations Commission



Parties in the Negotiations

The parties involved in negotiations are the 2000 trustees and 115 000 teachers who represent and work in the approximately 170 school boards in the province. In these school boards there are 278 collective agreements between the boards and the branch affiliates representing local teachers. (A branch affiliate, comparable to a local union, is composed of all the teachers employed by a board who are members of one of the provincial teachers' federations or associations.)

In general terms, there are four kinds of school boards. First, there are public boards of education. There are seventy-six of these non-denominational boards, each divided into an elementary and a secondary panel. Second, there are Roman Catholic separate school boards, forty of which operate both elementary and secondary schools and nine of which operate only elementary schools. Third, there are two French-language boards – a public board in Metropolitan Toronto and the Ottawa-Carleton board. The latter has a public and a Roman Catholic section. Fourth, there is a broad grouping of other boards, including public district school area boards, some isolate RCSS boards, and school boards on Canadian Forces bases and in children's treatment centres. The school boards in this last group exist to serve students in isolated or remote areas and students who live on Crown land.

Teachers and board trustees each have a central organization to which various federations and associations belong. For teachers, the parent body is the Ontario Teachers' Federation (OTF), an organization composed of representatives from the Federation of Women Teachers' Associations of Ontario (FWTAO), the Ontario Public School Teachers' Federation (OPSTF), the Ontario Secondary School Teachers' Federation (OSSTF), the Ontario English Catholic Teachers' Association (OECTA), and l'Association des enseignantes et enseignants franco-ontariens (AEEFO). Bargaining rights reside with the branch affiliates of these bodies.

The trustees' central organization, the Ontario School Trustees' Council (OSTC), is composed of representatives from three organizations: the Ontario Public School Boards' Association (OPSBA), which was formed by an amalgamation of the three former public school board associations; the Ontario Separate School Trustees' Association (OSSTA); and l'Association française des conseils scolaires de l'Ontario (AFCSO).

2. Overview of the Year's Negotiations

A review of the 1989-90 negotiations conducted under the School Board and Teachers Collective Negotiations Act indicates that teacher/school board bargaining continued to be healthy, even though negotiations were more protracted and difficult than in the previous several years. The major issues in negotiation appeared to be salaries and allowances, staffing arrangements and provisions, the retirement gratuity, and supplementary pay (beyond unemployment insurance) during maternity leave.

In 1989-90, 166 agreements had to be negotiated: 141 in divisional or combined Roman Catholic separate school boards and 25 in isolate or other school boards. The total number, 166, compares to a total of 161 in 1988-89. In this year's negotiations, 59 jurisdictions reached agreements for 1988-89 only, 98 reached agreements for 1989-91, and 3 reached agreements for 1989-92. As of August 31, 1990, 6 were still negotiating; in one of these – District 26, OSSTF, in Ottawa – teachers had begun a work-to-rule strike on May 14, 1990.

The average length of the negotiations in 1989-90 was somewhat greater than in the previous year: 7.7 months, compared to 6.5 months in 1988-89.

The level of assistance to the parties in negotiations increased markedly over what was required in the previous two years; 50.6 per cent of the negotiating jurisdictions required fact finding. The commission appointed forty-nine persons to assist the parties in negotiations (mediators) during the year, another reflection of the increase in difficulty of negotiations. Indeed, more third-party help was provided than in any year since 1979-80, except for the year after the Inflation Restraint Act ceased effect, 1984-85.

Other indicators of difficulty are the number of votes conducted pursuant to section 63 of the School Boards and Teachers Collective Negotiations Act and the number of sanctions applied in the negotiations. Eighteen last-offer and fifteen strike votes were conducted – numbers exceeded in only two years since 1975. There were seven strike actions – the largest number since the passage of the act in 1975 – although three of the seven were work-to-rule strikes involving no loss of instructional time, and the sanctions affected only four school boards. The seven disputes in which sanctions were imposed by teacher groups were the following:

Durham RCSS Board (OECTA/AEFO elementary)
Durham RCSS Board (OECTA secondary)
Durham RCSS Board (AEFO secondary)
East Parry Sound Board of Education (OSSTF secondary)
Essex County RCSS Board (OECTA secondary)
Ottawa Board of Education (FWTAO/OPSTF elementary)
Ottawa Board of Education (OSSTF secondary)

In 1989 school boards across the province found that they had to rely heavily on local taxes to cover increases over the previous year in expenditure per pupil. This pressure made boards reluctant to move quickly to make agreements. At the same time, increased anxiety over inflationary pressures and uncertainty in the economy tended to make teachers' economic demands somewhat higher than in previous years and to make teacher groups unwilling to settle until province-wide patterns were clearer.

It should be noted, however, that of the 166 agreements subject to negotiation, 79 were negotiated by the parties themselves without any third-party assistance. In other words, nearly half of the agreements were negotiated entirely by the parties themselves. Although eighty-four fact finders were appointed, in only forty-nine situations did the parties not reach agreement prior to the public release of the report. In the other cases, the parties reached agreement either before a fact-finding report was written or after it was released and during the fifteen-day silent period. Just over 70 per cent of negotiations were successfully concluded at this point without further intervention. That is why the commission considers the negotiation process to be fundamentally healthy.

3. Staff Activities

Field Services

Field Services staff are involved in a number of commission tasks. These include monitoring negotiations; selecting, training, and evaluating third parties; administering quasi-judicial matters; and offering preventive-mediation programs.

Monitoring of Negotiations

The commission stays informed about negotiations between teachers and school boards through its Field Services staff. Two Field Services officers, under the direction and supervision of the Director of Field Services, are responsible for monitoring the negotiations in all jurisdictions in the province. Regular contact, undertaken through both on-site visits and telephone calls, enables the individual Field Services officer to gain an understanding of emerging issues in negotiations, to get to know the parties involved, and to become thoroughly familiar with important developments at the local level. In turn, the parties become better acquainted with the commission's representatives and more knowledgeable about the School Boards and Teachers Collective Negotiations Act and the commission's policies, procedures, and resources.

An intimate awareness of negotiations between branch affiliates and school boards is particularly advantageous when appointments of third-party neutrals by the commission become necessary. In making judgements regarding the timing of an appointment and/or the appropriateness of a particular individual for the position of mediator or fact finder, the commission has been able to rely on the first-hand information and advice of its Field Services staff.

Field Services staff formally analyse all upcoming sets of negotiations early in the negotiation year. These analyses include an assessment of the degree of difficulty likely to characterize each situation and the identification of potentially troublesome issues that may be stumbling blocks to settlement. The analyses also include recommendations regarding the style, timing, and type of third-party assistance appropriate to each situation. Such analyses ensure that the third-party appointments that are made are the most effective and economical choices.

Selection of Third Parties

Clause 60(1)(e) of the act directs the commission "to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators, and selectors."

The commission selects and appoints persons from a list of qualified fact finders and mediators to assist in collective negotiations as required. The roster includes men and women from a variety of

occupations, including labour/management arbitrators, labour lawyers, academics, and former educational administrators and teachers. The commission continues to recruit a number of third parties who are bilingual.

Today, individuals selected by the commission not only must bring strong qualifications to the ERC; they also must participate in the commission's training programs. In addition, the commission evaluates its third parties, and only those individuals who are considered to have performed well are reappointed. The commission continues to seek individuals whose background, experience, and understanding of collective bargaining in education render them capable of providing outstanding third-party assistance.

Training of Third Parties

On May 10-11, 1990, a training workshop for potential fact finders was held in Toronto. There were twenty-one participants. Field Services and Information Services staff conducted sessions on the role and function of the commission, the negotiation process, and the array of information resources available. Two experienced fact finders, R. W. Jackson and D. S. Lawless, led the participants through the fact-finding process, from the legislative framework to preparation of the report. At the conclusion of the workshop, the participants were assigned the task of writing a fact-finding report based on an actual bargaining situation. The assignment further simulated reality by having a thirty-day due date.

On May 24-25, 1990, the commission hosted a second training session, this time for twenty prospective third parties, most of whom had had little or no experience in the role of mediator. This workshop was conducted by Bill Marcotte, an experienced and respected mediator and arbitrator as well as an effective teacher/trainer. Dr. Marcotte combined the lecture format with simulation exercises. His presentation covered the nature and psychology of conflict, as well as the elements and process of mediation and the role of the mediator.

In June 1990 the commission forwarded a detailed review of the 1989-90 negotiating year, along with a preview of the 1990-91 bargaining scene, to all of its third parties. The commission also developed and distributed a Memorandum of Settlement form, which will assist mediators when they are finalizing the terms agreed on in negotiations.

Administration of Quasi-judicial Matters

Field Services staff are involved in three quasi-judicial areas: appointment of returning officers when branch affiliates request commission-supervised votes, investigation of complaints alleging the failure of a party to negotiate in good faith, and appointment of grievance arbitrators.

Commission-supervised Votes

Following the public release of a fact finder's report, a branch affiliate may request that the commission supervise a vote by its members on the last offer received from the school board and/or on the favourability of a strike. Also, when an agreement has been reached following a strike, the teachers are required to conduct a commission-supervised vote on the acceptability of the terms of agreement.

Field Services staff arrange for qualified people throughout the province to act as returning officers for these votes. During the 1989-90 reporting year, thirty-nine votes were conducted in seventeen jurisdictions.

Complaints Related to Good Faith Bargaining

The commission has established a procedure for dealing with complaints that bargaining has not been in good faith. The procedure provides that prior to a formal hearing, an informal effort by the commission staff be undertaken to investigate and resolve the complaint. A Field Services officer will meet with the parties to attempt to find a solution.

Appointment of Grievance Arbitrators

Occasionally, the commission is called on to appoint either a single arbitrator or the chair of a board of arbitration. The request to appoint may arise for one of two reasons: (1) the parties have negotiated in their collective agreement that if they are unable to agree, they will turn to the commission, or (2) the parties agree, in the absence of any collective agreement provision, to ask that the commission assist by making an appointment.

In carrying out this function, the commission always tries to appoint arbitrators who will be able to offer hearing dates to the parties within three or four weeks. Field Services staff will recommend a person for this appointment from the commission's list of approved arbitrators.

Preventive Mediation

Preventive mediation is administered by the Field Services staff. The main purpose of this kind of mediation is to assist the parties in reducing, if not eliminating, the obstacles that prevent resolution of conflict. In addition, preventive mediation attempts to equip the parties to conduct their negotiations more effectively and efficiently within the existing structure of collective bargaining. It must be stressed that preventive-mediation activities are not designed to change the structure of collective bargaining; they are designed to enhance it and to make it work for the benefit of both parties. In contrast to conventional mediation, preventive mediation is conducted outside negotiations, and only after both parties in a jurisdiction request ERC involvement.

The two dimensions of the preventive-mediation program are relationship by objectives and grievance mediation.

Relationship by Objectives

The relationship by objectives (RBO) program involves completion, by two numerically equal groups of teachers and trustees/ administrators, of the following six steps:

1. identification, by each side, of the issues that need to be resolved;
2. explanation, by each side to the other, of the issues and its position on them;
3. agreement on a list of objectives concerning the issues;
4. creation of action steps to meet these objectives;
5. acceptance and/or tailoring of these action steps by the two sides separately; and
6. joint acceptance of action steps, assignment of responsibility, and setting of time lines.

The program is conducted only when there has been a joint request from the parties. It is conducted when negotiations are not in progress and at a site other than the normal workplace. Completion of the six steps takes about two days.

The purpose of the RBO activity is to help the parties to: re-establish open and frank discussions on matters of joint concern, gain an appreciation of each other's point of view, and approach each other with trust and respect.

During the 1989-90 reporting year, the program was used by the Lakehead Roman Catholic School Board and its teachers. Follow-ups to previously held workshops were held with the Sault Ste. Marie Board of Education and its elementary teachers, the Wellington County Board of Education and its secondary teachers, and the Sault Ste. Marie Roman Catholic School Board and its teachers.

Grievance Mediation

The grievance-mediation program is designed to assist the parties in resolving differences arising from the interpretation, application, administration, or alleged contravention of the collective agreement. Following a joint request from the parties, a mediator is assigned to resolve the dispute prior to its proceeding to arbitration. If the matter is not resolved, the option of arbitration has not been precluded.

Grievance mediation offers a number of advantages over arbitration, including greater speed and lower cost. The program was introduced in 1979.

Other Activities

Liaison activities continued during the 1989-90 reporting year between ERC Field Services staff and various provincial teachers' and trustees' organizations. These activities facilitated a continuing dialogue about the collective bargaining process and its perceived shortcomings. Interaction continued with a variety of governmental bodies as well, particularly the Ministry of Labour.

A study of the fact-finding process, recommended by Field Services staff and funded by the commission, was undertaken by Professor Richard Jackson of Queen's University. The findings were distributed to all local and provincial teacher and trustee organizations. The commission is seeking feedback about the study, which examined an important aspect of the bargaining process.

Maintaining membership in a variety of organizations enables staff of the commission to participate in workshops and conferences that contribute to their professional development. These organizations include the Society for Professionals in Dispute Resolution, the Ontario Association of School Business Officials, the Canadian Industrial Relations Association, and the Association of Labour Relations Agencies.

Information Services

Information Services staff are responsible for the development and management of an Ontario teacher/school board collective bargaining information system. Information support services are delivered to a diverse client group: local negotiators, provincial teacher and trustee organizations, fact finders, mediators and arbitrators, advocates, Ontario government ministries, labour practitioners outside the Ontario education sector, the commission and senior staff, and the general public. The orientation of Information Services is towards meeting, and even anticipating, clients' needs. Improving service efficiency and effectiveness is a basic objective.

During the reporting year, a number of activities and initiatives were undertaken to improve both information management and service delivery.

Systems Planning and Implementation

A comprehensive three-year strategic plan for information technology was completed during the reporting year. The plan provides a blueprint for transforming the commission's information management, so that the information requirements of both the commission and its clients can be more efficiently and effectively addressed.

A key feature of the plan is the development of a model that defines the contents and organization of data and text concerning the process, outcomes, and environment of teacher/school board bargaining. A fully integrated system, the Education Bargaining Information System (EBIS), has been designed, and appropriate hardware and software have been identified to support the system.

The first component of EBIS – the Events Tracking System – was built and tested during the reporting year and is scheduled for production in the fall of 1990. The database contains complete information about negotiations for every bargaining situation since 1975-76. The uses of the system include: providing decision support for planning and assessment, providing information for third-party

briefing, generating forms for processing of third-party appointments, communicating with the parties and the media, and generating comprehensive reports on negotiation processes.

Included in the database are key identifiers that will facilitate links with existing computerized compensation, staffing, agreement, and school board finance/expenditure data. These data are scheduled for conversion to an EBIS Outcomes/Context Analysis System during the course of the strategic plan.

Also identified in the Events database are all public documents issued from bargaining situations, including fact finders' reports, agreements, awards, and decisions. A computerized EBIS Document Retrieval System is planned that will constitute the last major link in the integrated system.

Data Collection

In 1989, the commission's staffing database, derived from the Ministry of Education's September school and board reports, was revised, for the years from 1985 on, to reflect the integration of trainable retarded pupils and their teachers into regular school programs. The principal/vice-principal salary database was also significantly revised to reflect the elementary and secondary salary structures used in Roman Catholic school systems.

A committee of commission and Ministry of Education staff has been formed to work on ways of making a broader range of data more speedily available to the education bargaining community. As a first step, the commission will assume full responsibility for the collection of teacher compensation data from school boards in 1991. These data were formerly collected by the ministry in its June Board Report, now discontinued. It is expected that in the future the commission will be able to make compensation information available earlier in the year than it used to.

Statistical Analysis and Reporting

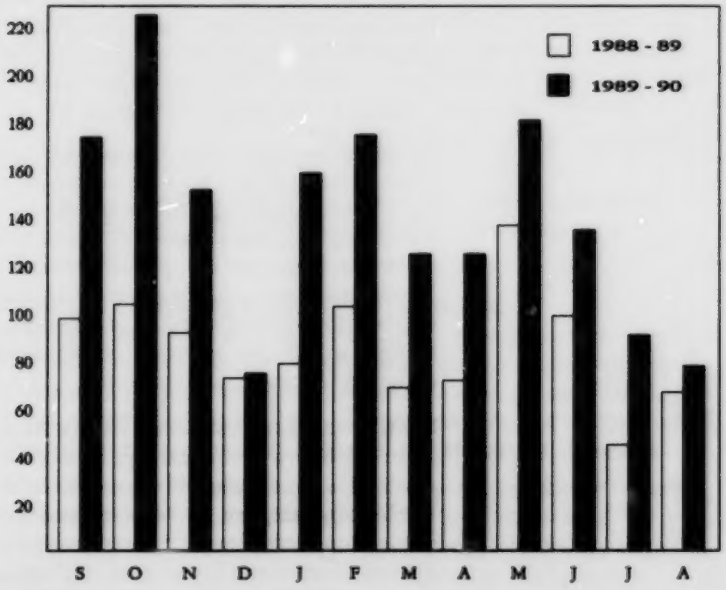
A variety of new statistical reports were written to meet specific needs of clients. Included were reports on gender distribution of teachers by category, and cost estimates associated with the implementation of pay equity plans. All reports have new identifiers that conform to the EBIS model, and applicable report programs were modified to facilitate both panel analysis within the public and separate school systems and comparison between the separate and public systems. Extensive documentation, including data sources, definitions of terms, and descriptions of computation methods, now accompanies most reports, to help clients understand the information presented.

Client Support Services

The commission experienced an unprecedented increase in demand for information support during the reporting year. A total of 1697 requests were filled by Information Services staff – a 64 per cent increase over the preceding reporting period. (See table 16 in Appendix A.)

As in earlier years, the monthly pattern of requests mirrored the levels of bargaining activity through the year: the development of initial bargaining positions in January and February; intensive table bargaining before the end of the school year; and fact-finding activity between September and November, after agreement expiry. Absent this year, however, was a significant drop in demand during the summer bargaining hiatus: July requests in 1990 increased by more than 100 per cent over 1989 requests (see figure 2).

Figure 2: Information Requests by Month, 1988-89 and 1989-90



Although local bargainers remained the largest client group (comprising 60 per cent of all requests), the most dramatic increase in demand (170 per cent) came from persons and organizations outside the education bargaining sector; one-third of these requests came from Ontario government ministries.

Grievance arbitration award searches, customized statistical analyses, and clause analysis reports on preparation time and paid maternity leave accounted for a significant proportion of the increase in requests.

Despite the increased demand, staff maintained response time records established in the previous year: 95 per cent of requests were responded to either the same day (83 per cent) or the day after they were received (12 per cent).

Informal feedback from clients suggests that the growth in demand was due partly to an increased awareness of the services provided by the commission - awareness gained through word of mouth, workshops, and the dissemination of commission reports by provincial teacher and trustee associations. Another reason for the growth in demand seems to have been an improvement in the quality of service, especially a new commitment to tailoring responses to suit particular needs. A more formal evaluation of the services is scheduled for the fall of 1990. This mail survey of the commission's primary client groups is designed to assess the awareness, use, and value of Information Services staff efforts and to offer clients the opportunity to suggest ways of improving the services provided.

4. The Negotiation Process Under the Act

Term of Collective Agreements

Collective agreements between a school board and the branch affiliate representing the teachers who are members of the provincial teachers' organization, and who are employed by the board, have a term from September 1 to August 31, under the School Boards and Teachers Collective Negotiations Act. The agreements may be for more than one year. Usually more than half the agreements made in a year are for a two-year term.

The Negotiation Time Line

If there are to be negotiations to make or renew a collective agreement, one of the parties is to give its intent to negotiate to the other party (and to the commission) in January of the year in which the existing agreement expires.

Negotiations between the parties typically occur from January to August, without intervention from ERC, but if a settlement has not been reached by August 31, a fact finder must be appointed by the commission. The commission may appoint a mediator to assist the parties at any stage in the negotiations.

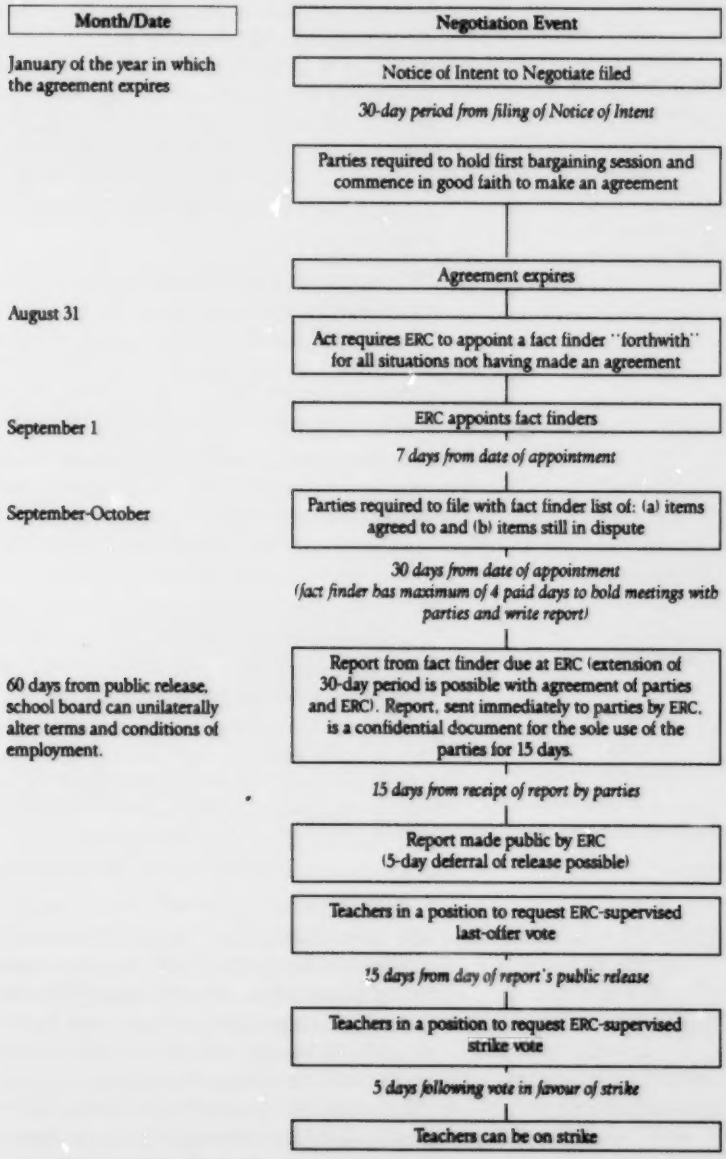
Mediation and fact finding may occur prior to August 31, if the parties have negotiated and are at an impasse. If a fact finder is appointed, he or she has thirty days to hold a hearing with the parties and file a written report with the commission and the parties. The report remains confidential for fifteen days; if no settlement is reached during that period, the report is released to the public. The teachers are then in a position to request commission-supervised votes on acceptance or rejection of the school board's last offer and on the strike option.

The sequence of events is represented schematically in figure 3.

Fact Finding

Fact finding affords an opportunity for the negotiating parties to clarify and narrow the differences between their positions on various issues, so that they will be able to reach a settlement when the collective agreement expires. As noted, the process becomes mandatory after August 31 (the contract expiry date in all teacher/school board collective agreements). Further, such a procedure is necessary under the act before teachers can take strike action or before a school board can initiate a lockout. The fact-finding process also recognizes the public's right to know the substantive, procedural, and attitudinal issues in a dispute before the normal school program is interrupted.

Figure 3: The Negotiation Framework Under the School Boards and Teachers Collective Negotiations Act


Month/Date
Negotiation Event
January of the year in which the agreement expires
Notice of Intent to Negotiate filed
30-day period from filing of Notice of Intent
Parties required to hold first bargaining session and commence in good faith to make an agreement
During the period January to August 31, ERC is not required by the act to provide any form of third-party assistance (e.g. fact-finder, mediator). However, ERC may appoint a third party upon the request of one or both parties to negotiations or at its discretion.
Agreement expires
August 31
Act requires ERC to appoint a fact finder "forthwith" for all situations not having made an agreement
September 1
ERC appoints fact finders
7 days from date of appointment
September-October
Parties required to file with fact finder list of: (a) items agreed to and (b) items still in dispute
30 days from date of appointment
(fact finder has maximum of 4 paid days to hold meetings with parties and write report)
Mediator can be appointed by ERC at any time.
60 days from public release, school board can unilaterally alter terms and conditions of employment.
Report from fact finder due at ERC (extension of 30-day period is possible with agreement of parties and ERC). Report, sent immediately to parties by ERC, is a confidential document for the sole use of the parties for 15 days.
15 days from receipt of report by parties
Report made public by ERC
(5-day deferral of release possible)
Teachers in a position to request ERC-supervised last-offer vote
15 days from day of report's public release
Teachers in a position to request ERC-supervised strike vote
5 days following vote in favour of strike
Teachers can be on strike

Note: At any point, parties can jointly agree to resolve matters through either voluntary binding arbitration or final-offer selection.

The commission may appoint a fact finder at any time during negotiations, either upon the request of one or both parties or upon the commission's deeming that the negotiations have reached an impasse and would benefit from such assistance. The fact finder, a third-party neutral, investigates the particular local situation and then files a written report with the commission. Under the act, the fact finder has thirty days to meet with the parties, examine their written submissions, listen to oral arguments, write the report, and submit the report to the commission. The commission, in turn, delivers the report to the parties. The parties then have fifteen days in which to continue negotiations, using the fact-finding report to assist them.

The report must set out those matters that the parties have agreed on as well as those in dispute. A fact finder may make recommendations regarding any matter that he or she feels is relevant and on any of the items in dispute. The fact finder's recommendations, although not binding on the parties, often narrow their differences, or are accepted wholly or in part by the parties.

It is clear from experience in the years since the passage of the act that fact finding has the potential to assist the parties in reaching a negotiated settlement. The commission and the negotiating parties have generally found it to be a useful process that works reasonably well.

There is a very real danger, however, that parties will misuse or ignore the fact-finding process, thereby contravening the spirit of the act and undermining its effectiveness. The commission has therefore encouraged the parties to use fact finding only if absolutely necessary. The commission's preference is to have the parties settle prior to the point when, under the act, a fact finder must be appointed. Also, the commission has attempted to improve the effectiveness of the fact-finding process and has conveyed to its third parties that a fact finder's report, in order to be useful, must provide concrete suggestions for resolving the substantive and procedural issues in a dispute.

The commission is concerned about the fact that many of the requests for fact finding that are made before agreements expire are being made before very much negotiation has occurred. The mandatory meeting, after notice to negotiate has been given, has too often been merely a formality. Parties may have met only two or three times to outline their positions prior to issuing a request for third-party assistance. It is evident that, in these cases, no real negotiation has occurred – that the parties have not really explored each other's thinking on the issues and are expecting a third party to do the negotiating work for them.

Mediation

A mediator, defined in section 13 of the act as "a person to assist the parties to make or renew an agreement", may be appointed by the commission at any time, either at the discretion of the commission or at the request of one or both negotiating parties. The commission views mediation as a consensual process between the parties, a process whose success is dependent on the good will and co-operation of the parties. Nevertheless, where it is clear that the process of bargaining between the parties is breaking down, the commission will appoint a mediator, to work with the parties towards resolving their differences.

Supervised Votes: Last Offer, Strike, and Ratification

Under the School Boards and Teachers Collective Negotiations Act, the responsibility for initiating any sanctions rests with the teachers. Prior to any strike activity, teachers must first request (in writing) the board's last offer concerning all matters agreed upon and all matters remaining in dispute. A secret ballot vote on the board's last offer must then be conducted under the commission's supervision. If teachers reject this offer, a second secret ballot vote, to determine whether teachers favour a strike, may then be held, again under the supervision of the commission. Any ratification vote ending a strike also must be supervised by the commission. The votes are those of the teachers' own organization, but supervision by the commission is provided to safeguard the public interest.

Lockouts and School Closings

After a strike action has commenced, a school board may, after rejecting formally the most recent proposal of the branch affiliate, lock out the teachers or close the schools.

Options for Third-Party Resolution

At any time during negotiations, the parties can agree to choose one of two options for third-party resolution: voluntary binding arbitration or final-offer selection. If a negotiated settlement is reached at any time during one of these procedures, the process is automatically terminated.

Voluntary Binding Arbitration

Under voluntary binding arbitration, the parties may refer all matters remaining in dispute to either an arbitrator or a board of arbitration. Within seven days of the appointment of the arbitrator or chair of the arbitration board, each party must submit to the other party, and to the arbitrator/chair, written notice of all matters agreed on during negotiations and all matters remaining in dispute. The arbitrator or board of arbitration is responsible for establishing procedures that give both parties full opportunity to present their evidence and make their submissions. Within sixty days of the appointment of the arbitrator/chair, or any longer period of time

agreed to by both parties, the arbitrator or board of arbitration must provide the parties with a written report of the decision reached. The decision of the arbitrator or board of arbitration is final and binding; the parties are required, within thirty days of receipt of that decision, to incorporate, within a signed agreement, the items agreed to in negotiations and the decision rendered through arbitration.

Final-Offer Selection

Under final-offer selection, each party's final position concerning the items remaining in dispute, together with any supporting evidence, is presented to a selector and to the other party within fifteen days of the appointment of a selector. Each party may then provide a written response to the other party's position, and the selector may hold a hearing.

Within fifteen days of the hearing (or of notice from the parties to dispense with the hearing), the selector must choose one party's final offer in its entirety. This offer is then incorporated into an agreement that also includes those items agreed to by the parties during negotiations.

Jeopardy

The purpose of the negotiations between the parties is to make or renew an agreement governing compensation for, and terms and conditions of, the teachers' employment. Where the parties cannot reach agreement and a strike occurs, resulting in a loss of instruction to the pupils, the commission is expected to safeguard the public interest by monitoring the situation to determine whether the continuance of the strike, lockout, or school closing will place in jeopardy the successful completion of courses of study by the pupils affected. If the commission believes that education will indeed be jeopardized, it so advises the government through the Minister of Education.

Final Note

School boards and teachers have used the outlined negotiation process effectively to make collective agreements. The process, as befits negotiations in a service such as education, is regulated while at the same time allowing for full and free collective bargaining. In particular, unlike the process for most local government and private sector employees, this one, by providing for fact finding, supervision of voting, and the jeopardy advisement, protects the public interest, even as it allows teachers the same rights as the majority of other organized employee groups.

5. A Brief History of Teacher/School Board Bargaining in Ontario

On July 18, 1975, legislation granted teachers in Ontario the right to bargain collectively. Prior to the passage of the legislation, which would become known as Bill 100, the Ontario government had proposed a statute that included compulsory arbitration rather than the right to strike. In response to the proposed statute (Bill 275), both teachers' and trustees' organizations, albeit for different reasons, lobbied the government to include the right to strike in the legislation. The right to strike became a priority for teachers because they viewed compulsory arbitration as an ineffective form of dispute resolution. The trustees viewed compulsory arbitration as both an encroachment on their right to manage and an erosion of local board autonomy.

Moreover, those who drafted Bill 100 were convinced by events in the educational sector and in other jurisdictions that strike-prohibiting legislation is not generally effective. In fact, it was (and is) the view of many labour relations experts that legislation prohibiting strikes can exacerbate employer/employee confrontation and adversarial feelings. Because the primary reason for proposing Bill 100 was to introduce some stability and order into the province's teacher/board bargaining, the right to strike was seen as a necessary part of the legislation.

The need for legislation governing teacher/board negotiations was obvious in the early 1970s. Local teachers' federations and associations had been bargaining informally with school boards on salaries and insured benefits for many years. They were now demanding the right to bargain collectively on such issues as working conditions and grievance procedures. Some trustees viewed the collective bargaining process as an infringement of management rights. The net result, in the absence of legislation, was that bargaining took place in a vacuum and that relationships between trustees and teachers were deteriorating on both the individual and the organizational levels.

The School Boards and Teachers Collective Negotiations Act, 1975, brought order to this confusion by providing ground rules for collective bargaining. Although the most widely publicized feature of the act was the right to strike, realistic alternatives such as voluntary arbitration and final-offer selection were provided at each step in the bargaining process. Moreover, events leading to a legal strike or lockout were regulated under the act. For example, under the act a strike or lockout is not legal until:

- a fact finder has met with the parties and his or her report has been made public;
- a fifteen-day cooling-off period has taken place after submission of the fact finder's report to the parties;

- the teachers have voted (by secret ballot in a supervised vote) on the last offer of the school board; and
- the teachers have voted (by secret ballot in a supervised vote) to take strike action.

Other provisions in the act should be noted. Negotiations take place at the school board level between the local teachers' federation(s) and the school board. Separate negotiations are undertaken in the elementary and secondary panels of a board. The scope of negotiations is open; that is, all matters are negotiable. Each collective agreement is deemed to contain a procedure for the binding settlement of disputes arising out of the administration of the agreement, if such a procedure has not been negotiated locally. A strike or a lockout is illegal during the term of the collective agreement.

Finally, the act provided for a five-person commission, ERC, to monitor and assist all local negotiations between teachers and school boards and to administer the act. The commission was given seven specific functions under section 60 of the act:
- to monitor all negotiations;
- to collect data and provide it to all parties in collective negotiations;
- to assist the parties in their collective negotiations;
- to train third-party neutrals;
- to adjudicate charges of lack of good faith bargaining;
- to supervise last-offer, strike, and ratification votes; and
- to advise the Lieutenant Governor-in-Council concerning jeopardy to students' courses of study in the event of a strike and/or a lockout.

In the first year, there were several confrontations, as teacher groups and school boards tested the legislation. In the year after the removal of federal government inflation controls, there were also several strikes. Nevertheless, the process established itself as a framework within which the parties could negotiate.

Four years after the passage of Bill 100, the Minister of Education announced in the Legislature the establishment of a commission to review the collective negotiations process between teachers and school boards. This commission (referred to as the Matthews Commission because it was chaired by Dr. B. C. Matthews, then president of the University of Waterloo) submitted its report to the Minister of Education in June 1980. Having analysed the efficacy of Bill 100 during its first four years, the Matthews Commission recommended a small, but significant, set of changes to the act. Because the collective negotiations process was working well, however, no amendment was made to the act.

Teacher/board negotiations were significantly altered when An Act Respecting the Restraint of Compensation in the Public Sector of Ontario and Monitoring of Inflationary Conditions in the Economy of the Province (Bill 179) was legislated. Bill 179, introduced in the Legislature on September 21, 1982, limited compensation increases in the public sector to a maximum of 9 per cent in the first year of the program (the "transitional" year) and 5 per cent in the second year (the "control" year). The legislation removed the right to strike or lock out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the act and to monitor wage and price increases in the public and private sectors. The transition back to more normal bargaining arrangements occurred in 1984-85.

The next major change came with the decision by the government to permit Roman Catholic separate school board extension beyond Grade 10. The Education Amendment Act (Bill 30) was introduced by the Minister of Education on July 4, 1985, and received royal assent on June 24, 1986. Bill 30 extended full funding to those Roman Catholic separate school boards electing to perform the duties of a secondary school board for the appropriate jurisdictional area.

As noted earlier in this report, forty separate school boards have opted to perform the duties of secondary school boards. The commission decided that these boards should be considered comparable to boards of education with two panels of teachers, so that teachers in the secondary schools of Roman Catholic school boards would have the same rights to negotiate their own agreements that secondary school teachers in boards of education have. This decision was supported by the courts after a challenge from a board. The result has been an increase in the number of bargaining units and collective agreements.

There has also been an increase in the number of French-language bargaining units, as branch affiliates of AEEFO have increasingly opted to negotiate separately. The creation of the Ottawa-Carleton French Board added four more units.

Over the years, school boards and teachers have matured in using the process under the School Boards and Teachers Collective Negotiations Act. Sanctions have been applied in only about 2 per cent of the negotiations. Although there is some feeling that a process closer to that of the Labour Relations Act model should be tried in order to streamline the procedures, it should be recognized that teacher/school board negotiations are considered of special concern to society. That is why there are a variety of dispute-resolution mechanisms in the process, why a fact finder's report is made public, and why votes by the teachers are supervised. Indeed, if there is a

problem in the process, it is that too often fact finding is not reserved, as the act intended, for cases in which an impasse has developed, but instead is resorted to routinely. In some areas, it appears that the parties have became addicted to third-party assistance.

The commission has been fortunate in being able to employ some of the best free-lance third parties in the labour relations business. ERC has, as part of its mandate, trained many people to serve as fact finders and mediators in the educational sector. Indeed, many have become skilled labour relations practitioners able to provide significant assistance in other sectors.

6. Appendices

A. Statistical Tables

B. Statement of Expenditures

C. Biographies of the Commissioners

A. Statistical Tables

Table 1: School Boards, Branch Affiliates, and Teachers in Ontario, 1989-90

Board Classification	Number of Boards	Number of Branch Affiliates							
		FWTAO	OPSTF	OECTA Elem.	OECTA Sec.	AEEFO Elem.	AEEFO Sec.	OSSTF	FOPSAT§
Boards of education	76	76	76	–	–	11	20	76	–
Metro Toronto School Board*	1	1	1		–	–	–	–	–
Roman Catholic school boards†	0	–	–	38	34	31	22	3	–
Roman Catholic separate school boards	9	–	–	9	–	7	–	–	–
Other separate school boards†	10	1	1	5	–	5	–	–	–
Other public school boards	17	17	15	–	–	1	–	–	–
Secondary school boards	1	–	–	–	–	–	–	1	–
Boards on Crown lands and in hospital and hydro centres, and the Provincial Schools Authority	15	14	14	–	–	4	1	3	1
French-language school boards	3	–	–	–	–	3	3	3	–
Total	**132**	**109**	**107**	**52**	**34**	**62**	**46**	**86**	**1**
Number of Teachers‖	126 150	38 200	14 350	29 900		6 900		36 800	250

Note: Table 1 includes only boards that operate schools.

* The Metropolitan Toronto School Board, which operates schools for the trainable retarded, does not operate elementary and secondary schools as such; however, its teachers are members of the elementary school branch affiliates, FWTAO and OPSTF.

† Refers to extended Roman Catholic separate school boards.

† Includes one Protestant separate school board.

§ Federation of Provincial Schools Authority Teachers.

‖ Source: Ontario Teachers' Federation. These figures include all members during the year and have been rounded to the nearest 50.

Table 2: Status of Negotiations, 1989-90

Board Classification	Not Subject to Negotiation*	Subject to Negotiation
Boards of education – elementary	29	51
Boards of education – secondary	25	55
County and district combined Roman Catholic school boards	39	38
Other school boards	19	22
Total	112	166

* Concluded a multi-year settlement during a previous year.

Table 3: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1989-90

Board Classification	Boards in Which Fact Finder Appointed	Reports Released to Parties	Reports Made Public
Boards of education – elementary	28	22	20
Boards of education – secondary	29	23	17
County and district combined Roman Catholic school boards	18	13	12
Other school boards	9	2	0
Total	84	60	49

Table 4: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1976-77 to 1989-90

Year	Negotiations	Fact-Finder Appointments	Reports Released to Parties	Reports Made Public
1976-77	189	71 (37.6%)	51 (27.0%)	39 (20.6%)
1977-78	210	63 (30.0%)	54 (25.7%)	42 (20.0%)
1978-79	207	114 (55.1%)	95 (45.9%)	69 (33.3%)
1979-80	180	109 (60.5%)	86 (47.8%)	77 (42.8%)
1980-81	132	49 (37.1%)	43 (32.6%)	34 (25.8%)
1981-82	168	50 (29.8%)	37 (22.0%)	29 (17.3%)
1982-83	173	62 (35.8%)	52 (30.1%)	48 (27.7%)
1983-84	178	0	0	0
1984-85	227	130 (57.3%)	108 (47.6%)	92 (40.5%)
1985-86	192	81 (42.2%)	62 (32.3%)	53 (27.6%)
1986-87	190	80 (42.1%)	67 (35.3%)	57 (30.0%)
1987-88	145	50 (34.5%)	31 (21.4%)	27 (18.6%)
1988-89	161	49 (30.4%)	37 (23.0%)	30 (18.6%)
1989-90	166	84 (50.6%)	60 (36.1%)	49 (29.5%)

Table 5: Appointment of Mediators, 1975-76 to 1989-90

Year	Number of Negotiations Conducted	Number of Mediators Appointed	Percentage of Negotiations With Mediators
1975-76	205	51	24.9
1976-77	189	38	20.1
1977-78	210	58	27.6
1978-79	207	72	34.8
1979-80	180	63	35.0
1980-81	132	35	26.5
1981-82	168	47	28.0
1982-83	173	50	28.9
1983-84	178	5	2.8
1984-85	227	96	42.3
1985-86	192	49	25.5
1986-87	190	65	34.2
1987-88	145	31	21.4
1988-89	161	34	21.1
1989-90	166	49	29.5

Table 6: Appointment of Mediators, 1989-90

Board Classification	Negotiations	No Mediation	Mediation Only	Mediation Pre-Fact Finding Only	Mediation Post-Fact Finding Only	Mediation Both Pre- and Post-Fact Finding
Boards of education - elementary	51	33	-	1	17	-
Boards of education - secondary	55	36	3	3	12	1
County and district combined Roman Catholic school boards	38	26	2	2	8	-
Other school boards	22	22	-	-	-	-
Total	166	117	5	6	37	1

Table 7: Appointment of Mediators, 1976-77 to 1989-90

Year	Negotiations	No Mediation	Mediation Only	Mediation Pre-Fact Finding	Mediation Post-Fact Finding	Mediation Both Pre- and Post-Fact Finding
1976-77	189	151 (79.9%)	7 (3.7%)	2 (1.0%)	28 (14.8%)	1 (0.5%)
1977-78	210	152 (72.4%)	21 (10.0%)	3 (1.4%)	24 (11.4%)	10 (4.8%)
1978-79	207	135 (65.2%)	9 (4.3%)	7 (3.4%)	47 (22.7%)	9 (4.3%)
1979-80	180	117 (65.0%)	4 (2.2%)	3 (1.7%)	46 (25.5%)	10 (5.5%)
1980-81	132	97 (73.5%)	9 (6.8%)	3 (2.3%)	21 (15.9%)	2 (1.5%)
1981-82	168	121 (72.0%)	16 (9.5%)	10 (5.9%)	17 (10.1%)	4 (2.4%)
1982-83	173	123 (71.1%)	13 (7.5%)	20 (11.6%)	14 (8.1%)	3 (1.7%)
1983-84	178	173 (97.2%)	5 (2.8%)	0	0	0
1984-85	227	131 (57.7%)	22 (9.7%)	16 (7.0%)	48 (21.1%)	10 (4.4%)
1985-86	192	143 (74.5%)	8 (4.2%)	10 (5.2%)	30 (15.6%)	1 (0.5%)
1986-87	190	125 (65.8%)	12 (6.3%)	23 (12.1%)	30 (15.8%)	0
1987-88	145	114 (78.6%)	7 (4.8%)	1 (0.7%)	23 (15.9%)	0
1988-89	161	127 (78.9%)	9 (5.6%)	2 (1.2%)	19 (11.8%)	4 (2.5%)
1989-90	166	117 (70.5%)	5 (3.0%)	6 (3.6%)	37 (22.3%)	1 (0.6%)

Table 8: Jurisdictions Receiving Either Fact-Finding or Mediation Assistance, 1976-77 to 1989-90

Year	Negotiations	Fact-Finder Appointments	Mediator Appointments	Total	Percentage of Negotiations Assisted
1976-77	189	71	7	78	41.3
1977-78	210	63	21	84	40.0
1978-79	207	114	9	123	59.4
1979-80	180	109	4	113	62.8
1980-81	132	49	9	58	43.9
1981-82	168	50	16	66	39.3
1982-83	173	62	13	75	43.3
1983-84	178	0*	5	5	2.8
1984-85	227	130	22	152	67.0
1985-86	192	81	8	89	46.3
1986-87	190	80	12	92	48.4
1987-88	145	50	7	57	39.3
1988-89	161	49	9	58	36.0
1989-90	166	84	5	89	53.6

* No appointments as a result of provincial restraint legislation.

Table 9: Supervised Last-Offer, Strike, and Ratification Votes, 1989-90

Board Classification	Last-Offer Votes	Strike Votes	Ratification Votes
Boards of education - elementary	3	3	1
Boards of education - secondary	9	7	1
County and district combined Roman Catholic school boards	6	5	4
Other school boards	-	-	-
Total	**18**	**15**	**6**

Table 10: Strikes, Lockouts, and School Closings, September 1, 1989, to August 31, 1990

Board	Number of Schools	Number of Teachers in Branch Affiliate(s)	Number of Students Affected	Type of Sanction	Duration of Sanction	How Settlement Reached
Durham RC Board (elementary)	32	710.5	14 843.0	work to rule	Dec. 22/89 – Jan. 23/90 (13 instructional days)	negotiated with mediation assistance
Durham RC Board (OECTA secondary)	5	223.3	3 346.6	work to rule	Dec. 22/89 – Jan. 17/90 (9 instructional days)	voluntary binding arbitration
				full withdrawal	Jan. 18/90 – Feb. 12/90 (18 instructional days)	
Durham RC Board (AEFO secondary)	1	18.0	187.0	work to rule	Dec. 22/89 – Jan. 24/90 (14 instructional days)	negotiated with mediation assistance
Essex RC Board (OECTA secondary)	3	163.1	2 410.0	full withdrawal	Mar. 12/90 – Apr. 18/90	negotiated
				closing of schools	Mar. 19/90 – Apr. 18/90 (18 instructional days)	
Ottawa Board of Education (elementary)	51	1 251.6	17 284.0	full withdrawal	Apr. 19/90 – May 27/90 (26 instructional days)	negotiated with mediation assistance
Ottawa Board of Education (secondary)	15	894.4	10 756.0	work to rule	May 11/90 – Aug. 31/90 (27 instructional days)	not settled
East Parry Sound Board of Education (secondary)	1	90.9	1 401.8	full withdrawal	May 3/90 – June 29/90 (37 instructional days)	negotiated

Table 11: Agreements Reached by Voluntary Binding Arbitration or Final-Offer Selection, 1989-90

Board Classification	Agreements Reached by Voluntary Binding Arbitration	Agreements Reached by Final-Offer Selection
Boards of education – elementary	–	–
Boards of education – secondary	–	–
County and district combined Roman Catholic school boards	1	–
Other school boards	–	–
Total	1	–

Table 12: Appointments Concerning Grievance Arbitrations, 1989–90

Board Classification	Number of Appointments by ERC	Nature of Appointments
Boards of education – elementary	–	
Boards of education – secondary	3	2 – single arbitrator 1 – chair
County and district combined Roman Catholic school boards	4	1 – single arbitrator 3 – chair
Other school boards	–	
Total	7	

Table 13: Appointments Concerning Grievance Arbitration, 1976-77 to 1989-90

Year	No. of Appointments by ERC
1976-77	9
1977-78	13
1978-79	13
1979-80	8
1980-81	14
1981-82	3
1982-83	3
1983-84	7
1984-85	8
1985-86	10
1986-87	8
1987-88	8
1988-89	5
1989-90	7

Table 14: Good Faith Bargaining, 1989-90

Complainant	Respondent	Disposition
York Region Board of Education*	branch affiliate of OSSTF	upheld
Branch affiliate of OECTA (secondary)	Halton Roman Catholic School Board	withdrawn
Branch affiliate of OSSTF	Lennox and Addington County Board of Education	withdrawn
Branch affiliate of OSSTF	Grey County Board of Education	pending
Branch affiliate of Federation of Provincial Schools Authority Teachers	Provincial Schools Authority	resolved
Branch affiliate of OECTA (secondary)	Welland Roman Catholic School Board	withdrawn

* Initiated in previous year.

Table 15: Duration and Termination Dates of Settlements Concluded in 1989-90

Board Classification	Not Settled	1 Year Aug. 31/90	2 Years Aug. 31/91	3 Years Aug. 31/92
Boards of education - elementary	1*	12	38	-
Boards of education - secondary	3†	19	32	1
County and district combined Roman Catholic school boards	2†	11	23	2
Other school boards	-	17	5	-
Total	**6**	**59**	**98**	**3**

* Ottawa-Carleton French-Language School Board, Public Section.
† East York; Ottawa; Ottawa-Carleton French-Language School Board, public section.
† Ottawa-Carleton French-Language School Board (elementary and secondary), Roman Catholic Section.

Table 16: Information Requests by Client Group, 1988-89 and 1989-90

	1988-89		1989-90		
Client Group	No.	%	No.	%	Percentage Increase
School boards/provincial trustee associations	381	(37.1)	544	(32.1)	42.8
Branch affiliates/provincial teacher associations	321	(31.2)	455	(26.8)	41.7
Third parties	135	(13.1)	183	(10.8)	35.6
Other clients	191	(18.6)	515	(30.3)	169.6
Total	**1028**	**(100.0)**	**1697**	**(100.0)**	**65.1**

B. Statement of Expenditures

Expenditures: April 1, 1989, to March 31, 1990

Category	Budget Allocation (dollars)	Actual Expenditure (dollars)
Salaries	798 600	743 021
Employee benefits	97 400	90 820
Transportation and communications	274 000	152 972
Services	450 000	424 670
Supplies and equipment	103 400	150 698
Total	**1 723 400**	**1 562 181**

C. Biographies of the Commissioners

Chair: *Katherine E. Swinton, B.A. (University of Alberta), LL.B. (Osgoode Hall Law School, York University), LL.M. (Yale University), Member of the Ontario Bar*

Ms. Swinton, a professor in the Faculty of Law at the University of Toronto, has served as chair of labour arbitration boards in the private and public sectors and as vice-chair of the Ontario Crown Employees' Grievance Settlement Board. She has published extensively in the area of labour relations and has co-edited *Studies in Labour Law.*

Vice-Chair: *David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)*

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

Commissioner: *Trèva Legault Cousineau, B.Sc. (University of Ottawa), R.P.Dt.*

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

Commissioner: *William John McNeil, B. Com. (University of Toronto)*
Mr. McNeil has had fifteen years' service as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of OSSTF, and trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

Commissioner: *John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)*
Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association and the Appraisal Institute of Canada. More recently he has taught real property law and negotiations in the Department of Administrative Studies at York University.